

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WALTER JUSZCZYK, JR., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:05CV1278 CDP
)	
CTF ST. LOUIS HOTEL LLC, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is again before me upon plaintiffs’ motion to remand for lack of subject-matter jurisdiction. This case was removed to this Court from the Circuit Court for the City of St. Louis, Missouri on the basis of diversity jurisdiction. Plaintiffs contend diversity jurisdiction is lacking because the amount in controversy does not exceed \$75,000, exclusive of interest and costs. The plaintiffs’ contention rests solely on the prayers for relief asserted in their state court petition along with their joint settlement demand on defendants in the amount of \$72,500.

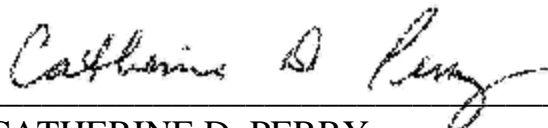
As I discussed in my October 9, 2005 Order, there is strong evidence that suggests the plaintiffs do not intend to be bound by their prayers for relief and joint settlement demand. The seriousness of Walter Jusczyk, Jr.’s injuries, the “large sums” that the plaintiffs foresee in future medical costs, and Walter Jusczyk, Jr.’s

interrogatory answers in his previous, identical suit against CTF St. Louis Hotel LLC all indicate that the plaintiffs claims are worth more than \$75,000.

Despite this evidence, I granted plaintiffs leave to file a binding stipulation with this Court stating that they each will neither seek nor accept damages or judgment in excess of \$75,000. Plaintiffs failed to file such a stipulation, and their time for doing so has long expired. Their failure to file this stipulation, coupled with the strong evidence mentioned above, lead me to conclude by a preponderance of the evidence that the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Thus, under 28 U.S.C. § 1332, this Court has subject-matter jurisdiction over plaintiffs' claim.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' Motion to Remand [# 15] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of January, 2006.